IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 34109 of 2006(I)

PETITIONER:

IDEAL EDUCATION SOCIETY (I.E.S.)
COLLEGE OF ENGINEERING, CHITTILAPPILLY P.O.,
THRISSUR, REP. BY ITS GENERAL SECRETARY
M.T.MUHAMMED, AGED 59, S/O.K.T.KUTTY,
KEZHAKETHALAKKAL, MANNALAMKUNNU,
THRISSUR DISTRICT.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:
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1. **GOVERNMENT OF KERALA,**
REP. BY HIGHER EDUCATION SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE COMMISSIONER FOR ENTRANCE EXAMINA-**
TIONS, 5TH FLOOR, HOUSING BOARD BUILDINGS,
SANTHI NAGAR, THIRUVANANTHAPURAM.

3. **THE REGISTRAR, CALICUT UNIVERSITY,**
CALICUT UNIVERSITY P.O.,
CALICUT.

4. **THE REGIONAL OFFICER,**
A.I.C.T.E., SOUTH WEST OFFICE,
BANGALORE, UNIVERSITY CAMPUS,
P.K.ROAD, PALACE ROAD, BANGALORE.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.
SRI.MILLU DANDAPANI SC FOR AICTE
by GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 34109/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER OF THE A.I.C.T.E.

EXT.P2:- COPY OF THE ORDER T. 23.6.06.

EXT.P2(a):- COPY OF THE ORDER DT. 29.8.06.

EXT.P3:- COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

EXT.P4:- COPY OF THE RECEIVED FROM THE 3RD RESPONDENT.

EXT.P4(a):- COPY OF THE REPLY LETTER 28.2.06 OF THE 1ST RESPONDENT

EXT.P5:- COPY OF THE APPLICATION DT. 27.10.06.

EXT.P6:- COPY OF THE REPRESENTATION DT. 28.6.06.

EXT.P6(a):- COPY OF THE LETTER DT. 11.7.06.

EXT.P7:- COPY OF THE LETTER DT. 13.7.06 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE LETTER DT. 13.7.06 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P9:- COPY OF THE LETTER DT. 5.12.06 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P10:- COPY OF THE ORDER F.NO.06/0/KER/ENGG.2002/35 IESCE/446 DT. 11.5.07 AICTE, NEW DELHI.

EXT.P11:- COPY OF THE APPLICATION DT. 2.2.06 FILED BY PETITIONER BEFORE THE 3RD RESPONDENT

/TRUE COPY/

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KURIAN JOSEPH J.

W.P.(C) No.34109 of 2006

Dated 4th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> (i) "To issue a writ of mandamus or any other writ, order or direction directing the third respondent University to grant affiliation to Electrical and Electronics Engineering and Mechanical Engineering Courses for which approval was granted by the AICTE, New Delhi so as to start the two courses along with the existing four courses in IES College of Engineering, Chittilappilly, Thrissur during 2007-08 academic year.
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> (ii) To issue a writ of mandamus or any other writ or direction directing the first respondent to approve the courses approved by the AICTE and publish the six courses including the additionally sanctioned two courses along with the four existing courses as per Ext.P2(a) in the Prospectus for admission during 2007-08 academic year, which will be published by the end of December, 2006 or beginning of January, 2007 by Government."

The main stand taken by the University in the counter affidavit is that the views of the Government are also to be ascertained. I am afraid, the same cannot be appreciated, in view of the decision of the Supreme Court in **Jaya Gokul Education Trust v. Commissioner and Secretary to Government** (2000(2) KLT 267 (SC), wherein it has been held that there is no statutory requirement for obtaining the approval of the State Government. Hence, the writ petition is disposed of directing the University to take appropriate action in the light of the judgment referred to

above, on the applications filed by the petitioner within a period of two weeks from the date of production of a copy of the judgment.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.